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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,615	09/22/2000	Karl Hehl	MAY-0010	1449

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EXAMINER
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MACKEY, JAMES P

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/668,615

Applicant(s)

HEHL, KARL

Examiner

James Mackey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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1. Claim 1 is objected to because of the following informalities: in claim 1 at line 13, a comma should be inserted at the end of the sub-paragraph. Appropriate correction is required.
2. Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 5 only recites how the apparatus structure is intended to operate during its intended operation; such relates only to the intended use of the claimed apparatus and does not structurally distinguish the claimed apparatus structure, and therefore does not further limit the subject matter of apparatus claims. Note that it has been held that the manner or method in which a machine is to be utilized is not germane to the issue of patentability of the machine itself, *In re Casey*, 152 USPQ 235.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 18-19, "to fix the spacing set" is unclear and indefinite as to exactly what the "spacing set" is, and the phrase apparently does not agree with the previous recitation of a "spacing"; line 22, "drive" should be --said drive--; and line 24, "portion" should be --said portion of said guide elements--.

In claim 3, line 2, and claim 4, lines 2-3, "that the parts" is grammatically incorrect.

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In claim 6, line 2, "the unit" lacks proper antecedent basis ("device" in claim 1); line 3, "that this device" is grammatically incorrect, and "this device" is indefinite as to exactly which of the plural claimed devices is intended; line 3, "the set spacing" lacks proper antecedent basis and is unclear as to whether this is the "spacing" of claim 1; and line 4, "portion" should be --said portion--.

In claim 7, lines 3 and 4, "portion" (twice) should be --said portion of said guide elements--.

In claim 8, line 3, "the tension" lacks proper antecedent basis, and is unclear as to where the tension is located.

In claim 10, line 3, "portion" should be --said portion of said guide elements--.

In claim 11, line 3, "in a non-positive manner" is unclear and indefinite as to exactly what is intended, such that the scope of what is being claimed cannot be determined.

In claim 12, line 3, "a guide element" is unclear as to how this relates to the guide elements recited in claim 1 (it appears the phrase should read --one of said guide elements--).

In claim 13, line 3, "and in that" is grammatically incorrect; line 5, "the additional annular piston" lacks proper antecedent basis in the claim (is this the "second hydraulically actuated annular piston" of line 3 of the claim?); and line 5, the use of "preferably" renders the claim of indefinite scope, since it is not clear whether the subsequent recitation is in fact a claim limitation; see MPEP § 2173.05(d).

In claim 14, line 2, "the guide element" is indefinite, since claim 1 recites plural guide elements; line 2, "a piston rod" is unclear as to whether this is the same piston rod as recited in claim 3; line 3, "the clamping device" lacks proper antecedent basis in the claim; and lines 3-4,

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"a portion" is unclear as to whether this is the same as the portion of the guide elements as recited in claim 1. Moreover, claim 14 is indefinite as to how a piston rod of the drive may also function as the plural guide elements for guiding movement of the movable mold carrier as claimed in claim 1.

In claim 15, line 2, "wherein that there" is grammatically incorrect; line 4, "the clamping device" lacks proper antecedent basis; and line 5, "portion" should be --said portion of said guide elements--.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 11 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Snider et al. (U.S. Patent 3,669,599).

Snider et al. teach a mold closing unit as claimed, including a device 66, 74 mounted on the support element 16 and cooperating with a portion of the tie rod/guide elements 18 for variably fixing the spacing between the stationary mold carrier 14 and the movable mold carrier 20, a fixing device 116 on the movable mold carrier for fixing its position, and a two-part linear drive 22 to move the movable mold carrier toward and away from the stationary mold carrier.

7. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Grundmann (U.S. Patent 3,890,081). Note two-part linear drive 47, 50 extending between the movable mold carrier 18 and the support element 22.

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4, 6-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snider et al. (U.S. Patent 3,669,599).

Snider et al. teach a mold closing unit as claimed, including a device 66, 74 mounted on the support element 16 and cooperating with a portion of the tie rod/guide elements 18 for variably fixing the spacing between the stationary mold carrier 14 and the movable mold carrier 20, a fixing device 116 on the movable mold carrier for fixing its position, and a two-part linear drive 22 to move the movable mold carrier toward and away from the stationary mold carrier, except for the drive being an electromechanical drive (claim 4), except for the particular collet chuck clamping device as the device for variably fixing the spacing (claims 6-10) and except for the particular collet chuck for the fixing device (claim 13). However, such clamping chucks are conventional in the art, and it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Snider et al. by providing such conventional chucks for the same purpose of providing a clamping/fixing engagement between the cooperating structural elements. It would have been further obvious and well within the level of ordinary skill in the art to have provided the two-part linear drive as a well known and conventional electromechanical screw/nut drive, since such were equivalent drive means.

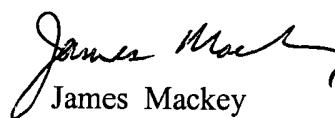
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is 703-308-1195. The examiner can normally be reached on M-F, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Silbaugh can be reached on 703-308-3829. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



James Mackey  
Primary Examiner  
Art Unit 1722

9/30/02

jpm  
September 30, 2002